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PATENT  
Customer No. 22,852  
Attorney Docket No. 05638.0017



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Theodor BAYERKÖHLER et al. ) Group Art Unit: 1761  
)  
Application No.: 10/070,661 ) Examiner: PADEN  
)  
Filed: March 8, 2002 )  
§ 371 Acceptance Date: July 9, 2002 )  
)  
For: METHOD FOR PRODUCING A )  
TABLET MADE OF ISOMALTULOSE, )  
ISOMALT OR ISOMALT VARIANTS )

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APR 4 2003  
TC 1700

Commissioner for Patents  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO-1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicants note that each document listed in this Information Disclosure Statement was first cited in the communication from the German Patent Office in a counterpart German application, a copy of which is attached, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication.

The German patent documents DE 196 39 343 A1 and 196 15 418 A1 are written in German. In lieu of a translation or a statement of relevance, Applicants submit herewith U.S. Patent Nos. 6,224,904 and 6,165,511, which rely on those German patent documents for priority.

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Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 2, 2003

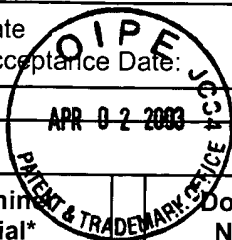
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## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	05638.0017	Appln. No.	10/070,661
Applicant	Theodor BAYERKÖHLER et al.		
Filing Date	March 8, 2002	Group:	1761
§ 371 Acceptance Date:	July 9, 2002		



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U.S. PATENT DOCUMENTS							
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate	
	6,224,904 B1	05/01/01	Rapp et al.	424	464	05/27/99	
	6,165,511	12/26/00	Schwarz et al.	424	489	10/21/98	

FOREIGN PATENT DOCUMENTS							
	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No	
	EP 0 028 905	05/20/81	Europe	A61K	9/36		
	WO 92/10168	06/25/92	PCT	A61K	9 /16		
	DE 196 39 343 A1	04/02/98	Germany	A61K	9/20		
	DE 196 15 418 A1	10/23/97	Germany	C07C	31/18		

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce